

Minutes
Air Pollution Control Board
Indiana Government Center South
Conference Room A
402 West Washington Street
Indianapolis, Indiana

December 6, 2006
1:02 p.m.

1. Dr. James Miner, Chairman, called the meeting to order.
He noted that a quorum was present.

**CALL TO ORDER
QUORUM**

2. Chairman Miner introduced the board members.

**INTRODUCTION OF
MEMBERS**

Present: Dr. James Miner, Chairman
Mr. Kurt Anderson
Mr. Thomas Anderson
Mr. John Bacone, Proxy, Department of Natural Resources
Mr. David Benshoof
Ms. Pamela Fisher, Proxy, Indiana Economic Development Corp.
Mr. Chris Horn
Mr. Randy Staley
Dr. Phil Stevens

Also present were Mr. Thomas Easterly, Commissioner and Ms. Kathy Watson, Air Programs Branch Chief. Others present are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Ms. Watson gave an update on IDEM's rulemakings.
She stated that the Environmental Quality Services Council directive was that IDEM not pursue the outdoor wood boiler rulemaking until model rule language comes from U.S. EPA. Ms. Watson reported that the Lake Michigan Air Directors Consortium agreed to a number of rules to reduce ozone in the region and that Indiana would be initiating these statewide rulemakings. IDEM will be working with the other Region V states to be consistent.

REPORTS

Chairman Miner announced that he had been in contact with the Governor's Office and would like to create a small subgroup of the Board to try to investigate some of the current knowledge, science and information regarding the transport, disposition and general health risks of mercury.

4. Chairman Miner introduced the September - December 27th Permit Fee Report that is required by 326 IAC 2-7-19, subsection (f).

**PERMIT FEE
REPORT**

Prior to making any fee adjustments to the Part 70 Permit Rule, Commissioner Easterly gave a report and submitted handouts demonstrating the revenue shortfall and needed additional resources to effectively implement the Part 70 Permit program and the proposed adjustments to the fee schedule. This report was made available to the public on September 27, 2006, more than 60 days in advance of this regularly scheduled meeting of the Air Pollution Control Board.

Mr. Patrick Gorman, representing the Indiana Steel Environmental Group, commented on the permit fee report.

Ms. Janet McCabe, representing Improving Kid's Environment, commented on the permit fee report.

Mr. Bernie Paul, representing Eli Lilly, commented on the permit fee report.

Mr. T. Anderson moved to adopt the proposed adjustment to the permit fee schedule for the Title V program. Dr. Stevens seconded. The motion passed 6 Yes and 3 No.

5. Chairman Miner introduced Exhibit 1-A, the proposed rule as preliminarily adopted with IDEM's suggested changes, and Exhibit 1-B, the proposed rule as preliminarily adopted, into the record of the hearing.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 8-5-1
and NEW RULE 326
IAC 8-5-6, Fuel Grade
Ethanol Production
Operations.**

Mr. Sean Gorman, Rulewriter, stated that new facilities that are not otherwise regulated for VOCs by a provision in article 8 of Title 326, and which have the potential to emit 25 tons of VOC or more per year, are required to implement best available control technology, or BACT, pursuant to 326 IAC 8-1-6. Mr. Gorman stated that establishing BACT is a case-by-case determination and is based on the maximum reduction in emissions that is technically feasible while taking into account energy, environmental and economic impacts. Such analysis is time intensive and can cause delays in permit issuance. By creating industry-specific standards based on prior BACT determinations, the clarity, predictability and timeliness of permit decisions involving the affected sources are improved.

**326 IAC 8, Source
Specific Rules. (VOC 8-
1-6 BACT)**

LSA #05-197

Mr. Gorman stated that since preliminary adoption of the proposed rule, there have been some developments that had led to the need for changes to the proposed rule as preliminarily adopted. Those changes were incorporated into Exhibit 1. Additional

changes to the proposed rule were requested during the public hearing. Mr. Gorman requested the Board final adopt the proposed as preliminarily adopted with IDEM's suggested changes included plus the additional changes requested by IDEM during the public hearing.

Ms. Janet McCabe, Improving Kids Environment, commented on the rulemaking.

Mr. Staley moved to adopt amendments to rule 326 IAC 8-5-1 and new rule 326 IAC 8-5-6. Mr. K. Anderson seconded. The motion carried unanimously.

Mr. Staley moved to final adopt rule 326 IAC 8-5-1 and new rule 326 IAC 8-5-6 as amended. Mr. Benshoof seconded. The motion passed unanimously 9-0.

6. Chairman Miner introduced Exhibit 2, the draft rule, into the recording of the hearing.

Ms. Susan Bem, Rulewriter, stated that the purpose of this rulemaking is to incorporate federal amendments to the large municipal waste combustor standards at 326 IAC 11-7. The large municipal waste combustors are units with combustion capacity greater than two hundred fifty tons per day of municipal solid waste. Ms. Bem stated that on May 10, 2006, U.S. EPA published a final rule amending the emission standards for existing large municipal waste combustors at 40 CFR 60, subpart CB. This rulemaking adopts the amended emission limits to make state law consistent with federal law. Ms. Bem also stated that IDEM was proposing to repeal 326 IAC 11-7-9, which is the compliance schedule for the original emission limits that is no longer needed since the revised emission limits will be effective upon the effective date of this rulemaking. The only source in Indiana to which this rule applies is Covanta, here in Indianapolis. Ms. Bem asked the Board to preliminarily adopt the draft rule as presented.

**PUBLIC HEARING
FOR PRELIMINARY
ADOPTION OF
AMENDMENTS TO
326 IAC 11-7.**

**Municipal Solid Waste
Combustors.**

LSA #06-434(APCB)

Mr. Horn moved to preliminarily adopt rule 326 IAC 11-7. Dr. Stevens seconded. The motion carried unanimously.

7. Chairman Miner introduced Exhibit 3, the draft rule, into the recording of the hearing.

Ms. Susan Bem, Rulewriter, stated that this is a new incinerator rule that incorporates emission standards for other solid waste incineration units that U.S. EPA finalized at 40 CFR 60, subpart FFFF. These emission standards fulfill the requirements of Section 111 and 129 of the Clean Air Act, which requires U.S. EPA to promulgate emission standards for solid waste incineration. Ms. Bem stated that this rule applies to very small municipal waste combustion units that have the capacity to combust less than 35 tons per day, and also institutional waste incineration units of any size. Ms. Bem asked the Board to preliminarily adopt the draft rule as presented.

**PUBLIC HEARING
FOR PRELIMINARY
ADOPTION OF NEW
RULE 326 IAC 11-9.**

**Other Solid Waste
Incinerator Rule.**

LSA # 06-437(APCB)

Mr. Benshoof moved to preliminarily adopt new rule 326 IAC 11-9. Mr. T. Anderson seconded. The motioned carried unanimously.

8. Chairman Miner introduced Exhibit 4, the draft rule, into the recording of the hearing.

Mr. Patrick Brady, Rulewriter, stated that IDEM proposed to update the references to the Code of Federal Regulations, CFR, to mean the 2006 edition under 326 IAC 1-1-3. This indicates the yearly edition of the CFR applicable to rules that are incorporated by reference throughout Title 326 of the IAC, unless a different edition is specified in a given rule. Mr. Brady stated that by annually updating the reference to the CFR, IDEM is able to incorporate by reference the latest version of the parts of the CFR already incorporated into the air rules, with the exception of those most recently published in the Federal Register.

**PUBLIC HEARING
FOR PRELIMINARY
ADOPTION OF
AMENDMENTS TO
RULE 326 IAC 1-1-3
and ADDITIONAL
CITATIONS IN TITLE
326.**

**2006 Annual Update to
the References to the
Code of Federal
Regulations.**

LSA # 06-412(APCB)

Mr. Brady asked the Board to preliminarily adopt the amendments to 326 IAC 1-1-3 to update the references to the CFR to 2006 as well as deletion of redundant Federal Register citations throughout Title 326.

Mr. T. Anderson moved to preliminarily adopt amendments to rule 326 IAC 1-1-3 and additional citations in Title 326. Mr. K. Anderson seconded. The motioned carried unanimously.

9. Chairman Miner announced that the next meeting was tentatively scheduled for Wednesday, February 7, 2007, 1:00 p.m, Indiana Government Center South, Indianapolis, Indiana in Conference Room A.

NEXT MEETING

10. Mr. Benshoof moved to adjourn the meeting. Mr. T. Anderson seconded. The vote was unanimous. Chairman Miner adjourned the meeting at 2:50 p.m.

ADJOURNMENT

James Miner, Chairman

These minutes were taken from the December 6, 2006, transcript, and were written on January 8, 2007, by Karol T. Chuma, Office of Air Quality.